

**Brook Meadows Homeowners Association, Inc. (BMHA)**

**Administrative Resolution AR006**  
**Architecture Review Committee (ARC)**  
**Guidelines, Process and Procedures**

WHEREAS, ARTICLE III, Section 3.1-5 of the CC&R's requires appointment of the Architectural Review Committee (the "Committee"), and provides for the submittal of plans, the procedure for approval and the standards for Committee discretion: and it is the intent of the Board to establish orderly and consistent Architecture Review Committee (the "ARC") Guidelines, Process and Procedures which shall be fair, reasonable and uniformly applied and to openly communicate and promote a clear and common understanding of the ARC Guidelines, Process and Procedures between all homeowners, the ARC and the Board, which is in the best interest of the Brook Meadows Community:

Now, therefore, be it resolved that the ARC Guidelines, Process and Procedures shall be as follows:

**ARC GUIDELINES**

**ARC CATEGORIES OF HOMEOWNER WORK ON STRUCTURES & GROUNDS:**

When any homeowner is planning to make changes, alterations, renovations, additions and/or removals to their property (the "changes"), with the exception of work items involving "Routine Maintenance" as defined below, the CC&R's require the homeowner to complete and submit a written request to make the requested changes to the BMHA for ARC review and approval. The homeowners request to make the changes is called the "**Property Modification Request**" (the "**PMR**"), and the PMR must identify all work items by the homeowner or others that will be needed to make the requested changes.

For purposes of this document, all work items that homeowners are planning to perform or have others perform on their homes, other structures and grounds shall be defined in one of the following ARC categories:

**ROUTINE MAINTENANCE**

These are work items involving repair and maintenance that **do not alter** the external structure or appearance of the home, other structures and grounds on the homeowner's property when all work items have been completed. **Homeowner performance of Routine Maintenance does not require review and approval by the ARC or BMHA.**

Routine maintenance corrects or prevents deterioration or damage to the exterior of the structure and/or grounds on the homeowners' property for the sole purpose of restoring or maintaining same in the original condition. Original condition shall be defined as the conditions which existed immediately before the deterioration or routine maintenance was performed. Routine Maintenance should always include professional methods and standard practices of good workmanship.

Routine Maintenance items include but may not be limited to:

1. Painting – when home or other structure is repainted using the original paint color, type and quality.
2. Trim and Siding Repair – when using original design, type, material and quality.

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3. Window and Door Replacement – when the replacement matches original in all ways including thickness, coating, color and trim.
4. Roofing – when replacement is same, or similar, color, material, style, and shingle type.
5. Landscaping – Any minor property maintenance or “color planting” change that will NOT significantly change the appearance of the property.

### **MODIFICATIONS**

These are repairs, changes, and additions which **do alter** the external structure or appearance of the home, other structures and grounds of the homeowner’s property. **Modifications** require **review and approval by the ARC**, with oversight of the ARC by the BMHA Board of Directors. Homeowners contemplating work items involving Modifications are required to complete and submit a Property Modification Request form (PMR) along with two sets of plans and specifications to the ARC and receive written notice of approval from the ARC **before** they initiate any work on the Modifications.

Modification work items shall include, but are not limited to, the following:

1. **CHANGES** to the exterior of a home or other structure including:
  - (a) Siding, masonry, trims, doors, windows (and/or window tinting), screens, gutters, downspouts, roofing, or paint color.
  - (b) Awnings, trellises, screens or screened doors
  - (c) Any interior change which could affect the external structure and affect an adjacent home.
2. **ADDITIONS** to the exterior of a home or other structure including:
  - (a) Balconies, porches, any porch changes or modifications
  - (b) Skylights, dormers, gables, roof decks and any other modifications to the roof structure or roof line.
  - (c) Stairs
  - (d) Decks, deck extensions or covers, railings, privacy screens.
  - (e) Any addition of living space which requires expansion of the exterior perimeter of the structure
  - (f) Any alteration which affects a neighbor’s property.
3. **LANDSCAPE CHANGES** which are major in nature, requiring contractors and building permits and/or are visible from the street or surrounding neighbors.
  - (a) Swimming Pools, lagoons, in-ground spas
  - (b) Pool houses, pergolas, gazebos
  - (c) Walls, fences, and gates regardless of height or materials
  - (d) Any permanent planter or hardscape structure such as fountains, sculpture, patios, pads, walkways, Permanent being defined as connected to earth or home in such a way as removal would damage structure being removed.
  - (e) Softscape changes (comprised of horticultural elements of landscape design, i.e., plants, shrubs, and trees) that WILL significantly change the appearance of the property.
4. **MISCELLANEOUS**
  - (a) Storage structures, sheds, containers
  - (b) Basketball goals and other sports court devices
  - (c) Shortwave antennas and aerials
  - (d) Solar energy devices of any type

**If the homeowner *is unclear whether the planned change to their property is Routine Maintenance or a Modification, the homeowner must contact an ARC member and consult with the Committee for a determination before initiating work.***

## UNAPPROVED MODIFICATIONS

These are any modifications being done to a home or structure that have not been approved by the ARC process. Unapproved Modifications would be a violation of the CC&R's and subject to penalties provided by the CC&Rs and actionable per BMHA Administrative Resolution AR004.

## ARC PROCESS and PROCEDURES

The ARC process begins when either a Director on the Board assigned as ARC Liaison or an ARC member receives one of the following communications:

1. A completed Homeowner PMR Form and supporting documentation, or
2. A written CC&R related non-compliance complaint, (the Complaint), stating in detail the nature of the failure to comply and the specific CC&R's which have been violated.

## ARC RECEIPT OF A PMR FORM

Upon receipt of a PMR form, the recipient shall date the PMR. The ARC shall perform the following procedures at next meeting, if not before.

- A. The Chairman will facilitate a complete review of the submitted request and Materials. The Committee will, by majority or unanimous vote, determine if the work to be done is a modification requiring Committee approval. If it is, they will then determine if the PMR is complete. If complete, they will approve or deny the request by signifying thereon and returning one executed original thereof to the homeowner, one executed original to the Board liaison member, and maintain one copy in the ARC files. A member will be assigned to communicate the decision to the Homeowner verbally. The ARC will follow with a written record of the approval, or denial, which will be provided to the homeowner complete with date of approval or denial.
- B. Determinations:
  - 1) **APPROVED:** Work should be completed no more than 30 days after estimated completion date submitted and approved on PMR.
  - 2) **INCOMPLETE:** When the ARC determines that the PMR does not have the required and/or sufficient information to permit the ARC to act upon the PMR, the ARC shall identify and mark the PMR as "INCOMPLETE." The ARC shall then return the marked PMR back to the homeowner along with an ARC letter advising the homeowner the specific reasons why the PMR has been identified as "INCOMPLETE" and what specific actions that the homeowner needs to do to in order to update and re-submit an amended PMR to the BMHA. A copy of the above should be transmitted to the Board liaison member.
  - 3) **DENIED:** If the PMR is DENIED, the ARC written comments on the PMR will advise the homeowner as to the specific reasons, **and suggest a remedy if possible.** The PMR shall also include an ARC member's name, email and/or telephone number that the homeowner can use to contact the ARC member, if the homeowner has any questions regarding the ARC letter. A copy of the above should be transmitted to the Board liaison member. The homeowner may either modify and resubmit the PMR or, within 15 days of the receipt of the denial, submit a written appeal to the Board requesting a variance or reversal of the ARC decision. The Board will then review and act on the appeal within thirty (30) days, in accordance with the filed CC&Rs section 3.1. If an Owner is not satisfied with the determination of the ARC and the Board of Directors, such Owner may put forth such matter for approval by the Owners. For the purposes of this Section 3.1 only, a decision of two-thirds (2/3) of the Owners of the lots shall control.

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- C. The Chairman shall ensure that a MONTHLY ARC ACTION HISTORY AND STATUS LOG is kept, tracking each PMR. An updated log should be e-mailed to the Board by the first day of each month or before the Board's monthly meeting.

**ARC RECEIPT OF A COMPLAINT**

- A. At the next meeting, the ARC Chair will facilitate the committee's review, analysis and discussion of the complaint, with the goal of achieving a common ARC understanding and consensus regarding information in the complaint and associated potential CC&R's non-compliance issues. Additional information needed to make a determination will be identified. The Chair will assign a member to investigate the complaint and obtain all required information.
- B. The Investigator shall first contact the homeowner who made the complaint in order to obtain further details related to the complaint, documenting all relevant information and facts on the "ARC Investigation Form". The Investigator shall then contact the homeowner who is the subject of the complaint in order to discuss the complaint and obtain the homeowner's response to the complaint, documenting all relevant information and facts on the I-form. The investigator will gather any other relevant information, complete the form with recommendations and deliver to ARC members for review.
- C. The ARC Chair or Investigator shall facilitate obtaining an ARC consensus and then a final vote to establish the Final ARC Findings and Determinations regarding the complaint. The Homeowner shall be found as either "In compliance" or "Not in Compliance". All ARC members shall sign on the appropriate signature and date lines ("Agree" or "Disagree") at the bottom of the final version of the Investigation I-form that shall also contain the specifics of the Final ARC Findings and Determinations. The ARC Chair shall contact the homeowner who is the subject of the complaint in order to explain the Final Findings and Determinations, documenting the homeowner's response. The ARC Chair shall facilitate obtaining an ARC consensus and then a final vote to establish the current status of the complaint -- "Resolved, Closed" or "Not Resolved".
- 1.) If current status is *Not Resolved*, keep the complaint open, advise the ARC Liaison of this status and update the Action Log to reflect this status
  - 2.) If current status is *Resolved*, *Closed*, continue with the next procedure below.
- D. The ARC Chair shall contact the homeowner who is the originator of the complaint in order to explain the final ARC findings and obtain the homeowner's response, documenting all relevant information on the "ARC Complaint Form"
- E. The ARC Chair shall ensure that all complaint records are filed in the "ARC Complaint History and Log.
- F. Complaints not resolved become the matter of the Board at which time Administrative Resolution AR004 regarding Non-Compliance of CC&R, Bylaws, or Articles of Incorporation established procedures and appropriate action to be applied.

Brook Meadows Homeowners Association  
**Property Modification Request (PMR)**

Homeowner Information and Plans Submission to the Architectural Review Committee (ARC)

HOMEOWNER'S NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE(S) HOME: \_\_\_\_\_ WORK (CELL): \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

DATE SUBMITTED: \_\_\_\_\_ DATE RECEIVED BY ARC: \_\_\_\_\_

In compliance with the BMHA Amended and Restated Declaration of Covenants, Conditions, and Restrictions (the "CC&R's") and the ARC Guidelines Process and Procedures (BMHA Administrative Resolution AR006), I herein request ARC approval to make the following changes, alterations, renovations, additions and/or removals (the "request") to my property as follows:

**Proposal**

- 1.) Provide sketch or plans to scale with all elevations incl. landscaping (if applicable)
- 2.) Provide description of all materials and colors

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Is this an amendment to a previous request?

If yes, the approximate date of my previous request was: \_\_\_\_\_

I understand that in accordance with the CC&R's and AR006, the ARC will act upon this request and will provide me with a written notice of the results of the ARC action. I understand and agree to the following provisions:

- 1. No work, or commitment of work, will be made by me until I have received written notice of approval of this request from the ARC.
- 2. All work will be performed by either: myself: \_\_\_\_\_ (Yes/No) or by the following named Contractor(s): \_\_\_\_\_

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3. If this request is approved (within twenty-one (21) days of submittal), the work would start on or about \_\_\_\_\_, and the scheduled completion date is \_\_\_\_\_. All work will be performed in a workmanlike manner as scheduled minimizing negative impact to my neighbors.
4. Any work not completed more than thirty (30) days after the scheduled completion date is not approved by the BMHA, and will require an amended request for a time extension to the ARC. This amended request will not jeopardize the original approval of my project, but will only advise of a delay of the completion of my project.
5. I will be responsible for complying with, and will comply with, all applicable federal, state, and local laws, codes; regulations; and requirements in connection with this work, and I will obtain any necessary permits and approvals for the work. I understand and agree that the BMHA, its board of directors (the "Board"), agent and the ARC have no obligation or responsibility with respect to such compliance, and that the Board, or its designated ARC, approval of this request shall not be understood as the making of any representation or warranty that the plans, specifications, or work comply with any law, code, regulation, or governmental requirement. I also agree that any approval of this project by the ARC, Board, or other BMHA designee is not warranty or guarantee of any safety issues or structural integrity of the approved project.

**Homeowner #1** SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**Homeowner #2** SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

Please complete form, sign and forward along with all documentation to:

**ARC  
PO Box 492  
Colleyville, TX 76034  
or  
email to: [ARC@brookmeadows.org](mailto:ARC@brookmeadows.org)**

**ARC Action**

**MEMBER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_ **APPROVED - DENIED - INCOMPLETE**

**MEMBER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_ **APPROVED - DENIED - INCOMPLETE**

**MEMBER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_ **APPROVED - DENIED - INCOMPLETE**

**ARC Comments** (indicate email contact # of committee member if request denied):

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**Board of Directors action page:**

BMHA Web Page Hyperlink \_\_\_\_\_

**ATTEST:**

Record of Board's Vote on this Resolution:

|                                      |   |    |                             |
|--------------------------------------|---|----|-----------------------------|
| Michael Deakin, President:           | Yes <input checked="" type="checkbox"/> | or | No <input type="checkbox"/> |
| Jim Tressler, Vice President:        | Yes <input checked="" type="checkbox"/> | or | No <input type="checkbox"/> |
| Howard Wixson, Treasurer:            | Yes <input checked="" type="checkbox"/> | or | No <input type="checkbox"/> |
| Carol Crosby, Secretary:             | Yes <input checked="" type="checkbox"/> | or | No <input type="checkbox"/> |
| Chris Turrentine, Director At Large: | Yes <input type="checkbox"/>            | or | No <input type="checkbox"/> |

Date 9-10-07

President 


**CERTIFICATION**

I, the undersigned, do hereby certify:

That I am the duly elected and acting President of Brook Meadows Homeowners Association, Inc., a Texas non-profit corporation;

That the foregoing Administrative Resolution, AR006, of said Association, as duly adopted by a resolution of the Board of Directors of the Association on the 10 day of September, 2007.

IN WITNESS WHEREOF, I have hereunto subscribed my name this the 12 day of September, 2007.

  
\_\_\_\_\_  
Michael Deakin, President

STATE OF TEXAS

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COUNTY OF TARRANT

BEFORE ME, on this day personally appeared Michael Deakin, the President of Brook Meadows Homeowners Association, Inc. known by me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 12 day of September, 2007.



  
\_\_\_\_\_  
Notary Public - State of Texas